

## TENNESSEE TITLE VI COMPLIANCE PROGRAM



### REPORT TO GOVERNOR AND GENERAL ASSEMBLY Reporting Period FY July 1, 2012 - June 30, 2013

Issued by:

TENNESSEE HUMAN RIGHTS COMMISSION

## **Table of Contents**

Letter to the Governor and General Assembly .....	3
<b>I. INTRODUCTION .....</b>	<b>4</b>
<b>A. History, Purpose and Scope .....</b>	<b>6</b>
<b>B. Discriminatory Practices .....</b>	<b>7</b>
<b>II. GOALS, OBJECTIVES &amp; ACCOMPLISHMENTS .....</b>	<b>8</b>
<b>III. COMPLAINTS.....</b>	<b>11</b>
<b>A. Complaints Received by the Commission: July 1, 2012 – June 30, 2013 .....</b>	<b>11</b>
<b>B. Complaints Received by Other Departments: July 1, 2012-June 30, 2013.....</b>	<b>12</b>
<b>IV. IMPLEMENTATION PLANS .....</b>	<b>14</b>

## **Appendix**

Summary of FY2012-2013 Implementation Plan Review Findings



**TENNESSEE HUMAN RIGHTS COMMISSION  
CENTRAL OFFICE**

ANDREW JOHNSON TOWER  
710 JAMES ROBERTSON PARKWAY, SUITE 100  
NASHVILLE, TENNESSEE 37243-1219  
(615) 741-5825 FAX (615) 253-1886  
[www.tn.gov/humanrights](http://www.tn.gov/humanrights)

---

**LETTER TO THE GOVERNOR AND GENERAL ASSEMBLY**

---

September 24, 2013

The Honorable Bill Haslam  
Governor State of Tennessee  
Nashville, Tennessee 37243

Members of the General Assembly  
State of Tennessee Legislative Plaza  
Nashville, Tennessee 37243

Dear Governor Haslam and Members of the General Assembly:

Transmitted herewith is the Tennessee Title VI Compliance Program Annual Report. This report was prepared pursuant to the requirements of Section 4-21-203, *Tennessee Code Annotated* and covers the period of July 1, 2012 through June 30, 2013.

The Tennessee Human Rights Commission (Commission) is honored to be chosen as the central coordinating agency for Title VI compliance statewide. In our country's current climate of economic and fiscal challenges, compliance with federal laws and regulations is critical to maintaining necessary funding for programs and services throughout the state.

Since 2009, when Title VI monitoring authority was transferred to the Commission, we have worked diligently to develop guidelines, policy, rules and provide technical assistance and training to Title VI personnel statewide. This report provides a summary of the services and accomplishments of the Title VI Compliance Program. We will continue to ensure that each executive branch department and agency promotes present and future compliance with Title VI requirements.

Thank you for the opportunity to serve.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly L. Watts".

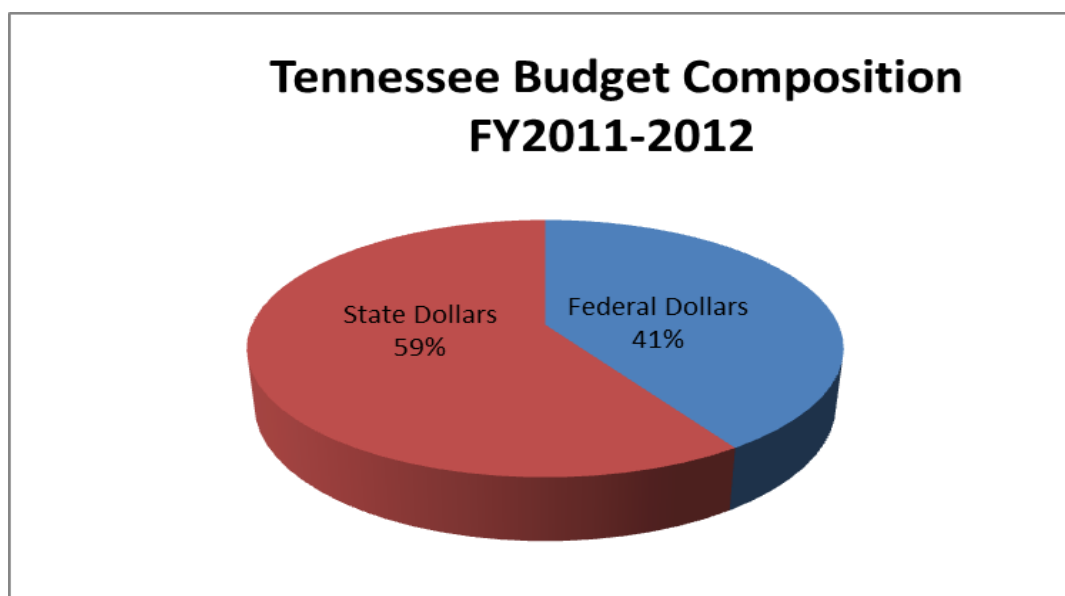
Beverly L. Watts  
Executive Director

## I. INTRODUCTION

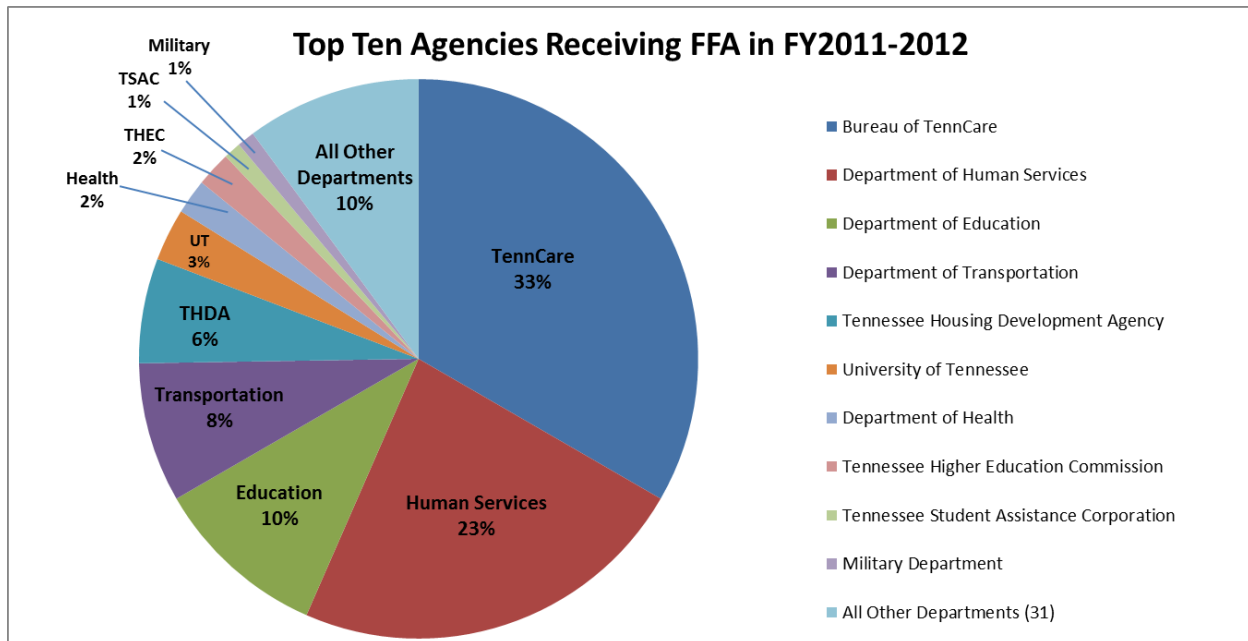
---

This report covers Title VI Compliance Program activities during fiscal year (FY) July 1, 2012 - June 30, 2013 for compliance efforts and outcomes of each executive branch department and agency in the state of Tennessee. Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color or national origin under any program or activity receiving Federal financial assistance (FFA). Federal financial assistance includes the following: 1) an award, contract or grant of money; 2) loans, below fair market value or subsidies; and 3) training.

Title VI compliance requirements apply to any state department or agency that receives FFA. Examples of programs and activities covered by Title VI include food stamps, driver licenses, parks and recreation, child care, Medicaid, transportation, roads/highways and education. During FY July 1, 2011 - June 30, 2012, 41 executive branch departments reported the receipt of federal funds totaling \$12,795,749,400 which represents 41%, or nearly half, of Tennessee's 2011-2012 state budget of \$31,366,088,900 as cited by the Department of Finance and Administration in "The Budget: Fiscal Year 2013-2014" (*Administration Amendment as Filed*)



A comprehensive statewide compliance program prevents the risk of loss of federal funding due to discriminatory practices and is critical to maintaining high standards and ensuring continued compliance. Of the \$12.8 billion in federal funds, 10 out of 41 departments account for approximately 90% of FFA in Tennessee, respectively: TennCare - 33%; Human Services - 23%; Education - 10%; Transportation-8%; Housing and Development Agency - 6%; University of Tennessee – 3%; Health -2%, Tennessee Higher Education Commission – 2%; Tennessee Student Assistance Corporation-2%; and Military – 1% . The remaining 31 departments account for approximately 10% of total federal dollars received statewide.



Department	Federal Dollars Reported	Total % of Federal Dollars
Bureau of TennCare	\$4,147,260,500	33%
Department of Human Services	\$2,786,084,800	23%
Department of Education	\$1,260,533,200	10%
Department of Transportation	\$1,040,770,200	8%
Tennessee Housing Development Agency	\$807,205,709	6%
University of Tennessee	\$328,927,433	3%
Department of Health	\$248,133,100	2%
Tennessee Higher Education Commission	\$226,006,800	2%
Tennessee Student Assistance Corporation	\$191,702,400	1%
Military Department	\$186,379,000	1%
All Other Departments (31)	\$1,572,746,258	10%
<b>TOTAL</b>	<b>\$ 12,795,749,400</b>	<b>100%</b>

## **A. History, Purpose and Scope**

---

On August 9, 2002, Governor Don Sundquist issued Executive Order 34 which created the Title VI Compliance Commission. Executive Order 34 assigned the duties and responsibilities for Title VI monitoring to the 13-member Title VI Compliance Commission. Governor Sundquist appointed nine of the 13 members as required by the executive order. All of these appointments expired in October 2008 and remained unfilled.

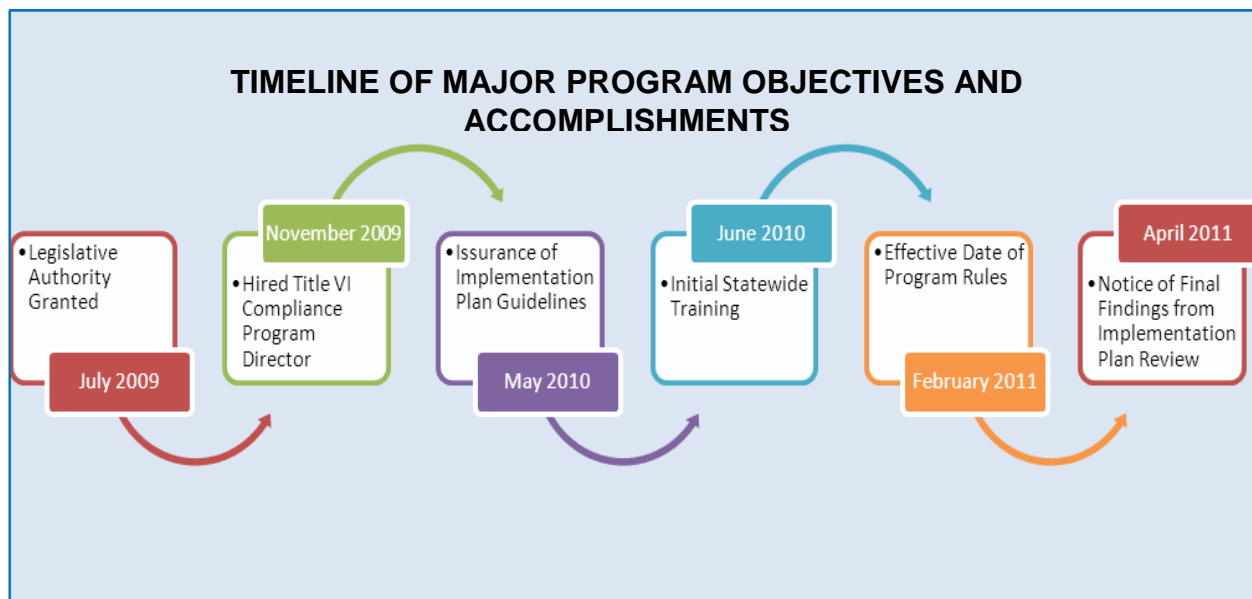
On June 23, 2009, Governor Phil Bredesen signed legislation transferring the duties of the Title VI Compliance Commission to the Tennessee Human Rights Commission, effective July 1, 2009. This legislation grants the Commission the authority to verify that all state governmental entities comply with the requirements of Title VI. This responsibility includes the establishment and development of guidelines for a comprehensive statewide policy to ensure compliance by the executive branch of state government. Under State of Tennessee Public Acts, known as the Tennessee Human Rights Act (Tenn. Code Ann. §4-21-203), the duties of the Tennessee Human Rights Commission (Commission) include but are not limited to:

- reviewing current Title VI monitoring and enforcement procedures as reflected by federal and state statutes, rules, regulations, programs, services, and budgetary priorities;
- defining and establishing the components, guidelines, and objectives of a comprehensive state policy to ensure and promote present and future compliance with Title VI requirements;
- serving as the central coordinating agency for executive branch departments and agencies for technical assistance, consultation, and resources to encourage and assist compliance with the requirements of Title VI;
- auditing, reviewing, evaluating and reporting periodically on Title VI compliance efforts and outcomes for each executive branch department and agency;
- investigating allegations of noncompliance with Title VI; and,
- reporting annually to the Governor and the Tennessee General Assembly concerning the Commission's activities, findings, and recommendations.

The initial goals and objectives of the Commission included the tasks of identifying a director for the Title VI Compliance Program, rulemaking, training and policy development. The Commission hired a director in November 2009 to carry out the duties and responsibilities of the Title VI Compliance Program. The next step was to develop rules and guidelines to establish a uniform approach that would assist executive branch departments in creating and maintaining effective compliance programs. This objective would be accomplished through the Department of State's rulemaking hearing process.

During the first year, the Commission created and developed proposed state rules and regulations by filing the Notice of Rulemaking Hearing with the Department of State and holding three public rulemaking hearings across the state in Nashville, Knoxville and Jackson for public review and comment. The Commission appeared

before the Tennessee General Assembly Government Operations Committee on January 24, 2011 concerning the proposed rules for the Title VI Compliance Program. The Government Operations Committee unanimously voted for Title VI Compliance Program Rules passage and granted an effective date of February 13, 2011.



In fiscal year 2011-2012 the Commission began conducting On-site Compliance Reviews of those state departments and agencies receiving FFA and submitting an Implementation Plan.

## **B. Discriminatory Practices**

Departments that receive FFA must provide the public with fair and equal access to all of its programs and activities in a nondiscriminatory manner. Specific discriminatory actions are prohibited under Title VI. A department that is a recipient of federal funds may not, directly or through contractual or other arrangements, on the basis of race, color or national origin:

- Deny an individual any disposition, service, financial aid, or benefit provided under the program;
- Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- Subject an individual to segregation or separate treatment in any matter related to the receipt of any disposition, service, financial aid, or benefit under the program;
- Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program;

- Treat an individual differently from others in determining whether such person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program;
- Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford such person an opportunity to do so which is different from that afforded others under the program; or,
- Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

## **II. GOALS, OBJECTIVES & ACCOMPLISHMENTS**

---

### ***Implementation Plans***

A major component of the Title VI Compliance Program involves implementation plan review. The Commission conducted training on July 12, 2012 for 65 Title VI personnel representing 39 departments concerning the duties and responsibilities of the Title VI Compliance Program, implementation plan guidelines and the obligation of executive branch departments to submit implementation plans to the Commission by October 1 annually. Implementation plans include a report of compliance activities undertaken by the state department or agency for the previous fiscal year (e.g. FY2011-2012) and its plans for compliance for the current fiscal year (e.g. FY2012-2013).

The Commission received and reviewed 41 implementation plans from departments statewide. The review analyzed several areas of compliance, to include whether departments train staff on Title VI, Limited English Proficiency (LEP) policies and procedures, data collection and the monitoring of subrecipients. Implementation plans were forwarded back to the departments for revision after an initial review and comment phase. Upon completion of the implementation plan review process, the Commission issued a "Notice of Final Findings" to 41 departments. Findings and outcomes from the review are included in Section IV of this report.

### ***Policy Guidance***

The Commission has continued to accomplish its goals of providing ongoing policy guidance concerning compliance during the second year of the program. In addition to the implementation plan review, the Commission has established a process to monitor and provide guidance on the content of written correspondence to complainants when complaints are filed with the Commission and referred to another state department. During this fiscal year the Commission developed statewide policy guidance for executive branch departments on the following topics:

- Implementation Plan Guidelines to ensure that each department submits a plan that meets compliance standards (*July 2012*)
- Training Requirements for Departmental Staff on Title VI (*August 2012*); and
- Agency Programs and Activities Subject to Title VI Compliance (*August 2012*)



## ***On-site Compliance Reviews***

One of the responsibilities of the Tennessee Human Rights Commission ("Commission") is to verify that all state governmental entities comply with Title VI of the Civil Rights Act of 1964 ("Title VI"). According to the Tennessee Human Rights Act (Tenn. Code Ann. §4-21-203), the Commission is authorized to periodically and systematically audit, review, evaluate and report on Title VI compliance efforts and outcomes for each state department and agency. The on-site compliance reviews are conducted to determine the extent to which an agency or state entity is in compliance with Title VI as it relates to program objectives, complaint procedures and referral process, and the actual execution for processing complaints. This review also serves as a mechanism for the Commission to provide technical assistance and make recommendations regarding corrective action, where appropriate.

During this fiscal year THRC completed two On-Site Compliance Reviews. One of the on-site compliance reviews was conducted at the Tennessee Department of Agriculture, including the following facilities: Central Office, Cookeville District Forestry Office, Highland Rim Forestry Office, and subrecipient Nashville Farmer's Market. An on-site compliance review was also conducted at the Tennessee Department of Veterans Affairs, including the following facilities: Central Office, Nashville Veterans Claims Office, and the Middle Tennessee State Veterans Cemetery. Preliminary findings from the compliance reviews have been completed and are currently under review.

In an On-site Title VI Compliance Review of the Tennessee Wildlife Resources Agency (TWRA) in April 2012, THRC identified in four (4) areas of deficiency in the agency's Title VI program. Those areas included Complaint Procedures, Limited English Proficiency Access, Monitoring of Subrecipients, and Title VI Training. As a result of the deficient program areas, four (4) findings, recommendations, and a corrective action schedule were issued to bring TWRA into further compliance with state and federal Title VI requirements. During this fiscal year, the THRC reviewed, monitored, and approved the measures taken by the department to resolve the four (4) findings.

In an On-site Title VI Compliance Review of the Tennessee Department of Correction that concluded in May 2012, the THRC identified seven (7) areas of deficiency in the department's Title VI program. Those areas included Implementation Plan Receipt, Complaint Procedures, Complaints Monitoring, Limited English Proficiency Access, Monitoring of Subrecipients, Title VI Training and Public Notice and Outreach. As a result of the deficient program areas, thirteen (13) findings, recommendations, and a corrective action schedule were issued to bring TDOC into further compliance with state and federal Title VI requirements. During this fiscal year, the THRC reviewed, monitored, and approved the measures taken by the department to resolve twelve (12) of the thirteen (13) findings. The department disagreed with the THRC on one of its findings relative to conducting sub-recipient monitoring of the local jails that the agency contracts with to house state inmates. The THRC continues to work with TDOC to bring the department in voluntary compliance on the outstanding finding.

## ***Investigations***

One of the duties of the Commission is to investigate allegations of non-compliance with Title VI at state agencies and departments. In in FY2011-2012, the Title VI Compliance Program accepted for investigation a complaint against the Tennessee Arts Commission alleging intentional discrimination and unfairness and disparity in the funding and grants review process of the agency on the basis of race. In May 2012 the THRC issued two (2) findings, recommendations, and a corrective action schedule to bring the Arts Commission into further compliance with state and federal Title VI requirements. During this fiscal year the THRC reviewed, monitored, and approved the measures taken by the agency to resolve the two (2) findings.

In October 2012, the Title VI Compliance Program accepted for investigation a complaint against the Tennessee Department of Education alleging intentional discrimination relative to the termination of a personal services contract and inequity in the number of personal services contracts awarded to African-American contractors as compared to non-minority contractors. The investigation has been completed and final findings are currently under review.

### **III. COMPLAINTS**

---

Any person alleging discrimination on the basis of race, color or national origin under any program or activity receiving FFA must be filed within 180 days of the alleged discriminatory conduct. Complaints may be filed either with the Commission or directly with the department, or its subrecipient, that is responsible for the alleged discriminatory conduct. Any person may file a complaint directly with the federal department or agency that provides funding to any state department in Tennessee.

#### **A. Complaints Received by the Commission: July 1, 2012 – June 30, 2013**

---

During the period covering July 1, 2012 - June 30, 2013, the Title VI Compliance Program received 338 inquiries; 286 of the inquiries were non-jurisdictional to Title VI, 45 of the 338 inquiries were accepted as complaints; 53 complaints were closed; and 26 complaints remained open. These 45 complaints were referred to 15 departments and agencies. Complaints ranged from allegations of discriminatory practices by state employees to the denial of services under specific, federally funded programs and activities.

Complaints that may be jurisdictional under Title VI are typically referred to the executive branch department that administers the program or activity referenced in the complaint. All departments must inform the Commission of whether a referral is opened for investigation, provide status reports and copy the Commission on correspondence to complainants related to complaint closure.

The Commission will not consider a complaint that is referred to another department as closed until it receives written notification from the department that the complaint has been resolved. The average open/closed charge age is based on the number of days that complaints have remained open and the number of days from receipt of complaint to the date of written notification of closure by the investigating department. Complaints that are not covered under Title VI are forwarded to the relevant department for review and action where appropriate.

There were 45 complaints received and referred by the Commission to 15 state departments and agencies.

Complaints Received and Referred by the Commission July 1, 2012 – June 30, 2013			
Departments	Complaints Filed	Total Cases Closed	Total Inventory of Cases
Administrative Office of the Courts	1	1	0
Board of Parole	2	0	2
Board of Regents	2	2	0
Children's Services	2	2	0
Correction	22	7	16
District Attorney General's Conference	2	0	2
Education	2	0	2
Health	1	1	0
Human Services	1	0	1
Labor & Workforce Development	2	2	0
Safety & Homeland Security	1	1	0
Student Assistance Corporation	2	0	2
TennCare	2	2	0
Transportation	2	2	0
University of Tennessee	1	0	1
TOTAL	45	19	26

#### **B. Complaints Received by Other Departments: July 1, 2012-June 30, 2013**

The total number of complaints received by departments statewide is determined by the data reported in each department's implementation plan. According to the data provided in the implementation plans, individuals filed complaints with 12 out of 41 or

29% of the departments receiving federal funds. The chart below summarizes the complaints received directly by the departments during this reporting period.

<b>Complaints Received Directly by State Departments and Reported in their Implementation Plans: July 1, 2012 - June 30, 2013</b>			
<b>Departments</b>	<b>Total Number of Title VI Complaints Filed</b>	<b>Complaints Closed</b>	<b>Total Inventory of Cases</b>
Administrative Office of the Courts	1	1	0
Arts Commission	1	1	0
Children's Services	4	1	0
Correction	206	187	19
Education	7	7	0
Health	1	1	0
Human Services	6	6	0
Labor and Workforce Development	1	1	0
Safety and Homeland Security	1	1	0
Transportation	9	9	0
Intellectual and Developmental Disabilities	4	4	0
Housing Development Agency	1	1	0
Total Complaints Received Statewide	242	220	19

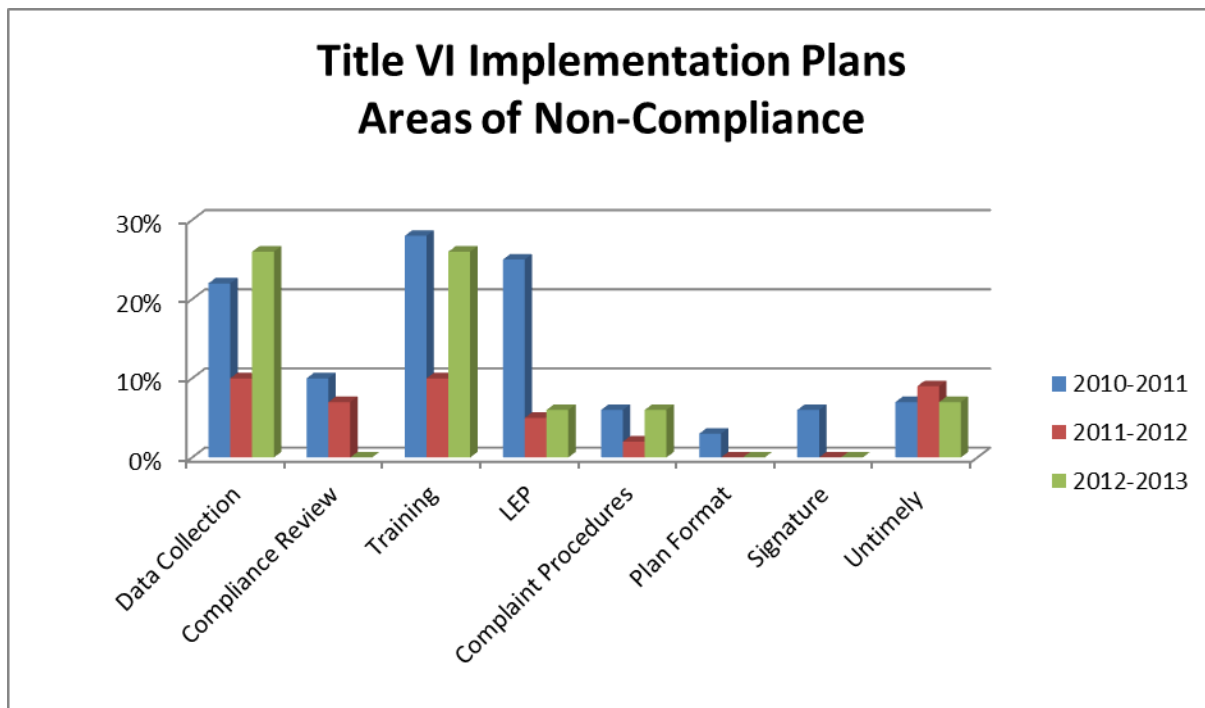
## IV. IMPLEMENTATION PLANS

The Commission is responsible for the development of an implementation plan to be utilized by state governmental entities subject to the requirements of Title VI. A department's implementation plan must consist of the following sections: an overview; a description of the federal programs or activities; the organization of the Civil Rights Office and duties of the Civil Rights Coordinator; data collection and analysis, including total number of complaints received; definitions; discriminatory practices; Limited English Proficiency (LEP); complaint procedures; compliance review of subrecipients; compliance/noncompliance reporting; Title VI training plan; public notice and outreach; evaluation procedures of Title VI implementation; and responsible officials.

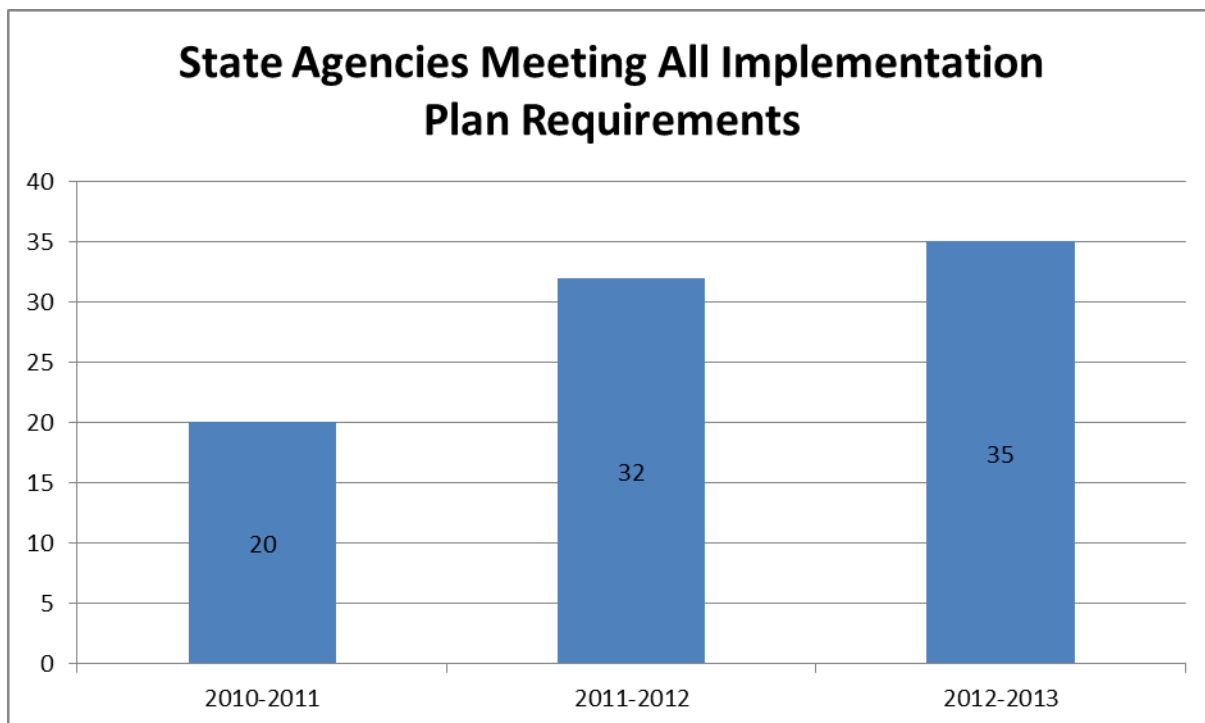
A total of 42 implementation plans were referred by the Commission. One agency was not required to submit a plan as it did not receive FFA for the reporting period. Listed in the chart below is a summary of THRC findings regarding the agency plans.

SUMMARY OF FINAL FINDINGS FOR 2012 TITLE VI IMPLEMENTATION PLANS	
Number of state agencies submitting Implementation Plans	42
Number of agencies not required to submit Implementation Plan	1
Percentage of state agencies receiving a finding	22%
Number of state agencies receiving a finding	9
Number of agencies with untimely submission of Implementation Plan	3
Number of agencies with no findings	32
Number of agencies with one (1) finding	7
Number of agencies with three (3) findings	1
Number of agencies with five (5) findings	1
Number of agencies not responding to THRC initial review and request for additional information	2
Number of agencies providing response to final findings	5
Number of agencies receiving repeat findings	2

The chart below illustrates this fiscal year's most common areas of non-compliance as compared to the two previous fiscal years.



The chart below illustrates this year's rate of agency implementation plan compliance as compared to the two previous fiscal years.



Based on the review, three of 41 plans were untimely or received after the October 1 due date. The following 35 out of 41 departments listed below, or 80%, were found to be in compliance with the guidelines and requirements. Of these 35 plans, three were untimely, but had no other significant issues nor raised other concerns with respect to compliance.

### **In Compliance**

Administrative Office of the Courts	Department of Intellectual and Developmental Disabilities
Alcoholic Beverage Commission	Department of Labor and Workforce Development
Arts Commission	Department of Mental Health
Board of Parole	Department of Revenue
Bureau of Investigation	Department of Safety and Homeland Security
Bureau of TennCare	Department of Transportation <i>(untimely receipt)</i>
Commission on Aging and Disability	Department of Veterans Affairs
Community Services Agency <i>(untimely receipt)</i>	District Attorneys General Conference
Department of Agriculture	Higher Education Commission
Department of Children's Services	Housing Development Agency
Department of Commerce and Insurance	Human Rights Commission
Department of Economic and Community Development	Regulatory Authority
Department of Education	State Museum
Department of Environment and Conservation	State Veteran's Homes Board
Department of Finance and Administration	Student Assistance Corporation
Department of General Services	Department of Treasury <i>(untimely receipt)</i>
Department of Health	University of Tennessee
Department of Human Services	

Findings were issued to 9 of 41 departments, or 22%. There were seven departments that received one finding; one department that received three findings and one department that received five findings. There were two agencies who did not respond to THRC's Initial Review and Request for Information, as a result the issues raised in the initial review became final findings for the agency. However, two agencies did provide a response to the final findings. One agency that received a final finding did not provide a response to Commission regarding the finding. Please refer to the Appendix for a more detailed summary of the 2012-2013 Implementation Plan Review Findings.

The following is an overview of the findings for each department that was cited as non-compliant. Each department is followed by the date that the Commission received the plan, whether the submission was timely or untimely filed, the Commission's finding(s), and the departmental response and Commission's comments, where applicable, to the relevant guideline item.

### **Non-compliance with 5 Findings**

#### **DEPARTMENT OF STATE**

**Implementation Plan Submitted: 10/1/2012 – Timely**



## Findings:

1. **Data Collection – The department did not identify the racial/national origin composition of its staff.**
2. **Limited English Proficiency (LEP) – The department does not have a written LEP Policy in place. No documentation was provided to verify that the department has in place an LEP policy for staff to follow. This is a REPEAT FINDING, as the department received the same finding for the FY2010-2011 reporting period.**
3. **Compliance Review – The department did not identify the subrecipients nor provide a monitoring procedure for subrecipients (e.g. local election commissions, contractors, vendors, etc...) of the Help America Vote Act (HAVA) funding. The Department did not provide a comprehensive listing of all of its subrecipients, contractors, and vendors for all programs and activities. The Department did not provide the total number, percentage and total dollar amount of grants and contracts awarded to minority business enterprises for all programs and activities.**
4. **Title VI Training-The department did not train departmental staff on Title VI for July 1, 2011 – June 2012. This is a REPEAT FINDING, as the department received the same finding for the FY2010-2011 reporting period. The department did not provide Title VI training to its subrecipients.**
5. **Public Notice and Outreach – The department did not report on its related boards and commissions. No documentation was provided identifying the total number of persons on the boards and the total number and percentage of each racial/ethnic category represented on the boards/advisory bodies.**

*Departmental Response – Yes; The Department of State responded to the Commission's final findings on March 25, 2013 by providing the racial composition of the agency's staff, revised LEP policy, HAVA subrecipients, information relative to minority contracts, notice that it is providing Respectful Workplace training to its staff.*

Commission Comments: The THRC approved the corrective action measures for findings 1, 2, and 3. The department did not provide information relative to its boards and commissions nor documentation that its staff received Title VI specific training. The department must present evidence of correction action relative to these findings (4 and 5) in their FY2013-2014 Implementation Plan in order to come into compliance with state and federal Title VI requirements.

---

## **Non-compliance with 3 Findings**

**TENNESSEE COMMISSION ON CHILDREN & YOUTH**  
**Implementation Plan Submitted: 10/1/2012 – Timely**

**Findings:**

- 1. Data Collection and analysis – Did not provide racial and ethnic data of minority groups benefiting from TCCY's federal assistance programs and services.**
- 2. Compliance Review – Did not provide the total number of sub-recipients including grantees and contractors that provide a service to the beneficiaries on behalf of TCCY.**
- 3. Title VI Training – Did not provide verification of staff and subrecipient training for FY11-12.**

*Departmental Response – Yes; The Tennessee Commission on Children and Youth provided information to the THRC on March 28, 2013 regarding the racial data of minority groups benefitting from its programs; the number of subrecipients, and verification of the number of staff and individuals trained.*

Commission Comments: The Commission approved the department's corrective action measure.

---

**Non-compliance with 1 Finding**

**MILITARY DEPARTMENT OF TENNESSEE**  
**Implementation Plan Submitted: 9/21/2012 – Timely**

**Findings:**

- 1. Did not provide Title VI Training to all departmental staff.**

*Departmental Response – Yes; The Military Department provided information to the THRC on June 5, 2013 noting its goal is to have all Military Department Employees trained by June 30, 2015 with an intermediate objective of 50% by June 30, 2014*

Commission Comments: The Commission approved the department's corrective action measure.

---

**Non-compliance with 1 Finding**

**TENNESSEE BOARD OF REGENTS**  
**Implementation Plan Submitted: 9/28/2012 – Timely**

**Findings:**

- 1. Complaint procedures out of compliance with state statute and federal regulation. This is a REPEAT FINDING, as the department received the same finding for the FY2010-2011 reporting period.**

*Departmental Response – Yes; The Board of Regents informed the THRC that it will update its complaint procedures and include in its Implementation Plan for FY 2013-2014.*

Commission Comments: The Commission approved the department's corrective action measure.

---

**Non-compliance with 1 Finding**

**TENNESSEE STUDENT ASSISTANCE CORPORATION**  
**Implementation Plan Submitted: 10/1/2012**

**Findings:**

**Data Collection and analysis – Did not include racial/ethnic information on several of the programs and there is a high percentage of “no response” regarding racial/ethnic data collection.**

*Departmental Response – **None; The Tennessee Student Assistance Corporation did not provide response to this finding.***

Commission Comments: The department must present evidence of correction action relative to these finding in its FY2013-2014 Implementation Plan in order to come into compliance with state and federal Title VI requirements.

---

**Non-compliance with 1 Finding**

**UNIVERSITY OF TENNESSEE**  
**Implementation Plan Submitted: 10/1/2012 - Timely**

**Findings:**

- 1. Title VI Training – did not provide number and percentage of employees trained on Title VI during FY 2011-2012.**

*Departmental Response – Yes; The University of Tennessee provided the number and percentage of employees trained on Title VI during FY 11-12 to the THRC on April 5, 2013.*

Commission Comments: The Commission approved the department's corrective action measure.

# APPENDIX

## SUMMARY OF 2012 IMPLEMENTATION PLAN REVIEW FINDINGS

TENNESSEE DEPARTMENTS AND AGENCIES	RECEIPT DATE	UNTIMELY RECEIPT	FINDINGS
<b>DEPARTMENTS WITH 5 FINDINGS</b>			
Department of State	10/1/2012		<ul style="list-style-type: none"> <li>• Did not identify racial composition of staff</li> <li>• No LEP policy in place - REPEAT FINDING</li> <li>• No monitoring procedure for subrecipients; did not provide total number of subrecipients, contractors and vendors; did not report on MBE contracts</li> <li>• Did not train departmental staff on Title VI - REPEAT FINDING</li> <li>• Did not report on nor provide composition of boards/commissions</li> </ul>
<b>DEPARTMENTS WITH 4 FINDINGS</b>			
NONE			
<b>DEPARTMENTS WITH 3 FINDINGS</b>			
Commission on Children and Youth	10/1/2012		<ul style="list-style-type: none"> <li>• Did not provide racial and ethnic data for programs receiving FFA</li> <li>• Did not provide total number of sub-recipients, contractors, and vendors</li> <li>• Did not provide verification of staff and subrecipient training for FY11-12</li> </ul>
<b>DEPARTMENTS WITH 2 FINDINGS</b>			
NONE			
<b>DEPARTMENTS WITH 1 FINDING</b>			
Board of Regents	9/28/2012		• Complaint procedures out of compliance with state statute and federal regulation - REPEAT FINDING
Community Services Agency	10/8/2012	✓	• Submitted plan after statutorily required October 1 date
Department of Transportation	10/3/2012	✓	• Submitted plan after statutorily required October 1 date
Military Department	9/28/2012		• Did not provide Title VI training to all departmental staff

Student Assistance Corporation	10/1/2012		• Did not include racial/ethnic information or there is a high incidence of "no response" on several programs
Treasury Department	10/12/2012	✓	• Submitted plan after statutorily required October 1 date
University of Tennessee	10/1/2012		• Did not provide number and percentage of employees trained on Title VI
<b>DEPARTMENTS WITH NO FINDINGS</b>			
Administrative Office of the Courts	9/28/2012		• No Findings
Alcoholic Beverage Commission	10/1/2012		• No Findings
Arts Commission	10/1/2012		• No Findings
Board of Parole	9/28/2012		• No Findings
Bureau of Investigation	9/28/2012		• No Findings
Bureau of TennCare	9/24/2012		• No Findings
Commission on Aging and Disability	10/1/2012		• No Findings
Commerce and Insurance	9/28/2012		• No Findings
Department of Agriculture	10/1/2012		• No Findings
Department of Children's Services	10/1/2012		• No Findings
Department of Correction	9/28/2012		• No Findings
Department of Economic and Community Development	9/28/2012		• No Findings
Department of Education	9/24/2012		• No Findings
Department of Environment and Conservation	9/20/2012		• No Findings
Department of Finance and Administration	9/28/2012		• No Findings
Department of General Services	10/1/2012		• No Findings
Department of Health	9/20/2012		• No Findings
Department of Human Services	10/1/2012		• No Findings
Department of Intellectual and Developmental Disabilities	10/1/2012		• No Findings

Department of Labor and Workforce Development	10/1/2012		• No Findings
Department of Mental Health and Substance Abuse Services	10/1/2012		• No Findings
Department of Revenue	9/24/2012		• No Findings
Department of Safety and Homeland Security	9/28/2012		• No Findings
Department of Veterans Affairs	9/14/2012		• No Findings
District Attorneys General Conference	9/26/2012		• No Findings
Higher Education Commission	9/28/2012		• No Findings
Housing Development Agency	9/27/2012		• No Findings
Human Rights Commission	9/26/2012		• No Findings
Regulatory Authority	9/27/2012		• No Findings
State Museum	10/1/2012		• No Findings
State Veterans' Homes Board	10/1/2012		• No Findings
Wildlife Resources Agency	10/1/2012		• No Findings